REMARKS

This application has been carefully reviewed in light of the Office Action dated April 10, 2006. Claims 40 to 63 are pending in the application, of which Claims 40, 45, 50 and 55 are independent. Reconsideration and further examination are respectfully requested.

Claims 45 to 47, 49, 55 to 57, 59 and 61 to 63 were rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,771,385 (Iizuka), and Claims 40 to 44, 48, 50 to 54, 58 and 60 were rejected under 35 U.S.C. § 103(a) over Iizuka in view of U.S. Patent No. 5,708,912 (Lee). Reconsideration and withdrawal of these rejections are respectfully requested.

Claims 40 and 50

The invention of Claims 40 and 50 generally concerns distribution of control software used by an image forming apparatus to an external apparatus via a network. Production lot information stored in a memory of a consumable unit detachably located in an image forming apparatus is output by an external apparatus, and control software, based on the production lot information, is distributed to the external apparatus via a network.

By virtue of this arrangement, control software may be delivered which takes into account differences in the production lots of consumable units.

Referring specifically to claim language, independent Claim 40 as amended is directed to a software distributing system for distributing control software used by an image forming apparatus to an external apparatus via a network. The system includes a receiving unit configured to receive production lot information which is stored in a

memory of a consumable unit detachably located in an image forming apparatus and which is output by the external apparatus, and a controller unit configured to distribute a control software, based on the production lot information, to the external apparatus via the network.

Claim 50 is directed to a method substantially in accordance with the system of Claim 40.

The applied art is not seen to disclose or suggest the features of the present invention, and in particular is not seen to disclose or suggest at least the feature of distributing software based on production lot information stored in a memory of a consumable unit detachably located in an image forming apparatus.

As understood by Applicants, Iizuka discloses using a server connected with a network, including the steps of storing data of control software to transmit to a plurality of image processing apparatuses connected with the network, transmitting data of the software to at least one of the plurality of image forming apparatuses, receiving information regarding the function or history of the image forming apparatus, accumulating the received information regarding the function and the history of the image forming apparatus, upgrading the data of the software for improving the function based on the accumulated information regarding the function of the image forming apparatus, and transmitting the upgraded data of the software to the image forming apparatus. See Iizuka, Abstract.

Pages 5 of the Office Action asserts that Iizuka (Column 16, lines 6 to 8 and 35 to 40) discloses distributing image control software to a printing apparatus depending on consumable-unit information. Additionally, page 7 of the Office Action appears to

equate lot information with "data statistical information, from each image forming apparatus."

However, obtaining operating information of an image forming apparatus, as recited in Iizuka, is not seen to be the same as receiving production lot information of a consumable unit, as recited in Claims 40 and 50. In this regard, Applicants respectfully submit that none of the information obtained by Iizuka's server relates to the production lot of a consumable unit. For example, while Iizuka's server receives information of an image forming apparatus concerning the amount of consumables used in the image forming apparatus, there is not seen to be any disclosure of obtaining production lot information of those consumables. See Iizuka, Column 18, lines 17 to 20.

Accordingly, Iizuka is not seen to disclose or suggest at least the feature of distributing software based on production lot information stored in a memory of a consumable unit detachably located in an image forming apparatus.

Lee has been reviewed and is not seen to remedy the above-noted deficiencies of Iizuka. In this regard, Lee is seen to simply disclose a process cartridge memory which stores data values corresponding to toner levels, such as the number of times a toner cartridge has required exchange or the quantity of toner remaining. See Lee, Column 1, lines 62 to 64 and Column 2, lines 21 to 24 and 31 to 33.

As a consequence of these deficiencies, Iizuka and Lee are also not able to obtain the attendant benefits of such an arrangement, such as delivering software which takes into account differences in the production lots of consumable units.

Therefore, independent Claims 40 and 50 are believed to be in condition for allowance, and such action is courteously solicited.

Claims 45 and 55

The invention of Claims 45 and 55 likewise generally concerns distribution of control software used by an image forming apparatus to an external apparatus via a network. Identifying information and operating information of a consumable unit detachably located in an image forming apparatus are received, and a control software is selected from plural different control software, according to the combination of the identifying information and the operation information. The plural different control software corresponds to different operating information for the same identifying information of a consumable unit.

By virtue of this arrangement, different control software may be selected based on consumable units having the same identification information but different operating information.

Referring specifically to claim language, independent Claim 45 as amended is directed to a software distributing system for distributing control software used by an image forming apparatus to an external apparatus via a network. The system includes a receiving unit configured to receive identifying information and operating information of a consumable unit detachably located in an image forming apparatus, the information being output by the external apparatus. The system also includes a selecting unit configured to select a control software from plural different control software, which are stored in a database, according to the combination of the identifying information and the operation information received by the receiving unit, wherein each of the plural different control software corresponds to different operating information for the same identifying information of a consumable unit. Additionally, the system includes a controller unit

configured to distribute the control software, selected by the selecting unit, to the external apparatus via the network.

Claim 55 is directed to a method substantially in accordance with the system of Claim 45.

The applied art is not seen to disclose or suggest the features of the present invention, and in particular is not seen to disclose or suggest at least the feature of selecting a control software from plural different control software according to a combination of identifying information and operation information of a consumable unit, wherein each of the plural different control software corresponds to different operating information for the same identifying information of a consumable unit.

In this regard, page 2 of the Office Action asserts that Iizuka (Column 18, lines 35 to 44) discloses choosing a control software according to identifying information and operating information included within an image forming apparatus. Additionally, page 8 of the Office Action asserts that Iizuka (Column 18, lines 27 to 44) discloses obtaining different control software to control different operating information for an image processing apparatus, by receiving equipment information included within the image forming apparatus.

However, the cited portions of Iizuka simply describe developing software for an image forming apparatus in succession, so that the latest one can be obtained by accessing an application server. See Iizuka, Column 18, lines 27 to 37. By obtaining various types of information about the state of an image forming apparatuses, new software may be developed, or existing software may be revised or modified automatically. See Iizuka, Column 18, lines 37 to 44.

Nonetheless, even if Iizuka's image apparatus operating information is used in developing new software, there is not seen to be any indication that the operating information is used in selecting a particular control software from plural different control software, wherein each of the plural different control software corresponds to different operating information for the same identifying information of a consumable unit. For example, as understood by Applicants, two apparatuses with the same identifying information accessing Iizuka's application server will receive the same "latest" version of developed software, even if the operation information of each of the apparatuses has become different since that latest development of software.

Moreover, Applicants respectfully submit that information concerning the amount of consumables used in an image forming apparatus, as recited in Iizuka, is not the same as identifying information and operating information of a consumable unit, as recited in Claims 45 and 55.

Accordingly, Iizuka is not seen to disclose or suggest at least the feature of selecting a control software from plural different control software according to a combination of identifying information and operation information of a consumable unit, wherein each of the plural different control software corresponds to different operating information for the same identifying information of a consumable unit.

Lee has been reviewed and is not seen to remedy the above-noted deficiencies of Iizuka.

Thus, Iizuka and Lee are also not able to obtain the attendant benefits of such an arrangement, such as selecting different control software based on consumable units having the same identification information but different operating information.

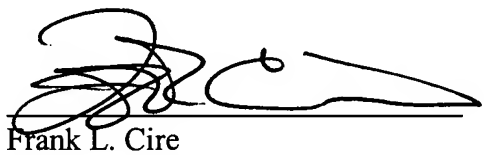
Accordingly, Claims 45 and 55 are believed to be in condition for allowance, and such action is courteously solicited.

The other claims in the application are dependent from the independent claims discussed above and therefore are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing amendment and remarks, the entire application is believed to be in the condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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